

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
ORLANDO DIVISION**

DAVID HARRIS,

Plaintiff,

v.

Case No: 6:21-cv-1382-GKS-LRH

COMMISSIONER OF SOCIAL  
SECURITY

Defendant.

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**REPORT AND RECOMMENDATION<sup>1</sup>**

**TO THE UNITED STATES DISTRICT COURT:**

This cause came on for consideration without oral argument on the following motion filed herein:

**MOTION: UNOPPOSED MOTION FOR ENTRY OF  
JUDGMENT WITH REMAND (Doc. 20)**

**FILED: December 1, 2021**

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**THEREON it is RECOMMENDED that the motion be GRANTED.**

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<sup>1</sup> On October 22, 2021, the parties filed a completed Notice, Consent, and Reference of a Civil Action to a Magistrate Judge, Doc. 17, but that consent has not yet been approved by the presiding District Judge.

The Commissioner of Social Security moves to remand this case pursuant to sentence four of 42 U.S.C. § 405(g) so that the following may occur:

Upon remand, the Appeals Council will direct that a new Administrative Law Judge (ALJ) be assigned and will instruct the ALJ to reevaluate whether Plaintiff's impairments, singly or in combination, meet or medically equal one of the listed impairments in 20 C.F.R, Part 404, Subpart P, Appendix 1; reevaluate Plaintiff's residual functional capacity and the opinion evidence; obtain supplemental evidence from a vocational expert; identify and resolve any apparent conflicts between the vocational expert's testimony and information in the Dictionary of Occupational Titles; offer Plaintiff the opportunity for a new hearing; and take any other action deemed necessary.

(Doc. 20, at 1). Plaintiff has no objection to the motion. (*Id.*). Upon consideration, the undersigned finds the request well taken.

Accordingly, it is **RESPECTFULLY RECOMMENDED** that the Court:

1. **GRANT** the Commissioner's Unopposed Motion for Entry of Judgment with Remand (Doc. 20);
2. **REVERSE and REMAND** the final decision of the Commissioner for further proceedings pursuant to sentence four of § 405(g) for the above-stated reason; and
3. **DIRECT** the Clerk of Court to enter judgment in favor of Plaintiff and against the Commissioner, and thereafter **CLOSE** this case.

### NOTICE TO PARTIES

A party has fourteen days from the date the Report and Recommendation is served to serve and file written objections to the Report and Recommendation's factual findings and legal conclusions. Failure to serve written objections waives that party's right to challenge on appeal any unobjected-to factual finding or legal conclusion the district judge adopts from the Report and Recommendation. 11th Cir. R. 3-1.

Recommended in Orlando, Florida on December 13, 2021.

  
LESLIE R. HOFFMAN  
UNITED STATES MAGISTRATE JUDGE

Copies furnished to:

Presiding District Judge  
Counsel of Record